

Chairman James Henderson called the meeting to order at 6:30pm at the Harpswell Community TV Studio on Community Drive. Henderson introduced the members present: Roland Weeman, John Papacosma, Howard Nannen, Linda Toothaker, and associate members Robert White and Don Rogers. Planner Tony Dater and Debora Levensailor, Planning Assistant were also present. The meeting was taped and produced live by Harpswell Community TV.

The agenda was published in “The Times Record” on June 13, 2001.

Henderson announced the Planning Board meeting for June 21st and said the purpose of the meeting was to give the Board the opportunity to consult with the Town attorney about legal issues.

The Board discussed a date for a public hearing concerning substantive ordinance changes. Nannen stated, “I move that the Planning Board hold a public hearing to consider comment from the public on proposed changes to the Basic Land Use Ordinance and the Shoreland Zoning Ordinance on July 10, 2001 at the Harpswell Islands School at 7pm.” Weeman seconded. **Carried 5-0.**

The Board reviewed the **minutes of the May 29, 2001 meeting.** Weeman moved to accept the minutes of May 29, 2001 as amended, as requested by the Board. White seconded. **Carried, 5-0.**

Henderson said that the role of the Planning Board is to see if the application meets the requirements of State law and Town ordinances.

Donald and Roberta Robertson, Reconstruction of Non-Conforming Structure, Tax Map 30-40 (Return from 05-02-01 meeting)- Architect James Herrick, representing the Robertsons, presented their new site plan map, and explained that the structure and deck are now behind the 75’ setback. CEO Webster has reviewed and approved the septic system for six bedrooms. The system will serve two dwellings, with three bedrooms each. Herrick said they have eliminated one of the parking spaces so that the home could be moved entirely behind the 75’ setback. Nannen read part of CEO Webster’s June 12th memo regarding the condition of approval, external plumbing permit #3262. Nannen focused on point #3, which states, “Owner is responsible for ensuring that necessary easements for SSWD system are established in the event that ownership of the two structures/parcels is divided.” Nannen asked the Board, “Is that our responsibility?” Dater responded, “As a condition, you could require that be documented.”

The Board referred to the Robertson plan dated April 24, 2001 for all discussion. Nannen complimented the Robertsons and James Herrick for finding a solution to the problem of relocating the entire structure behind the 75’ setback. Weeman stated, “I move that the Board approve the application of Donald and Roberta Robertson, Tax Map 30-40, Robertson Road, Orr’s Island, Harpswell on the basis of James Herrick’s May 16, 2001 memo, CEO Webster’s June 12, 2001 memo, and the Site Plan dated April 24, 2001.” White seconded. **Carried, 5-0.**

Milton and Shirley Paul, Subdivision Review/Modification, Tax Map 57-29, Long Island-South, Harpswell (Return from 05-29-01 meeting)- Henderson said he had talked to Attorney Chris Livesay, representative for Milton and Shirley Paul. Henderson said that he and Attorney Livesay had been under the impression that, according to the Inland Fisheries and Wildlife (IF&W) map, moderate value wetlands abutted the Long Island-South subdivision property. Henderson said he had looked at the wrong location on the map. Selectman George Swallow presented a large IF&W map to the Board, which they reviewed. It showed that no high or moderate value wetlands abut the Long Island-South subdivision property being discussed. The Board reviewed the two conditions of the Milton and Shirley Paul preliminary application approval (as recorded in the May 29, 2001 meeting minutes). Weeman stated, “I move that the Planning

Board has determined that there are no high or moderate value wetlands affecting this property, and that the application be tabled until the next meeting to allow the application to conform to the conditions of (1) the agent's authorization letters from the Pauls be added to the record, and (2) that the specifications of the accessory structure on lot eight conform to 9.4.1 of the Subdivision Ordinance, that it be placed as a note on the subdivision plan, and that the mylars be provided." White seconded. **Carried, 5-0.**

Henderson said the Board would hear James Kneebone & Gretchen Sibley's application because the Town of Harpswell's representative had not arrived yet.

James Kneebone, D.O. and Gretchen Sibley, D.O., Site Plan Review, CFII, Tax Map 50-172, Indian Rest Road, Great Island, Harpswell - Gretchen Sibley, D.O. presented their application. The applicants are requesting approval for an expansion of office space over their garage, which was built in 1999. They plan to include a small waiting area, a treatment/exam area, a bathroom, and a small lab/conference area with a sink. Dr. Sibley would see patients in the expanded office area over the garage, while her husband, Dr. Jim Kneebone would see patients in the office space they currently have in the basement of their home.

White asked Sibley if the second floor of the garage was finished now, with walls in place, etc. She said they plan to have moveable walls. Sibley stated, "We're not using it, it was just finished this spring." Henderson said it looks like the garage is actually closer to the water than the house. Sibley said that the garage is 250' from the water, as is indicated on the site plan they submitted with the application. Dater said the garage is behind the 75' line, not the 250' line.

Henderson asked Sibley, "Are there not ADA (Americans with Disabilities Act) requirements here?" He wanted to know if the second floor of the garage should be handicap accessible. Sibley said, "We will select patients to be seen in the garage office." She said she could "run down stairs" to see a patient in the main office if needed. Henderson said the ADA requirements would affect the workers as well as the patients.

Sibley read a letter, dated June 20, 2001 from John Haggerty, of the Indian Rest Association Board of Directors, which said the Board of Directors approved of the office expansion. (The Board of Directors of the Indian Rest Association had met on June 19, 2001, but there had not been a formal meeting or vote of the entire Association.)

The Board reviewed Dater's June 13, 2001 memo. Henderson asked about impervious surface. Dater said the 19% of the lot is covered now, so it complies, but it is close. Sibley said there would be no further building on the lot. The Board reviewed the Site Plan Review Ordinance, Section 15 (Approval Standards and Criteria) and the application's compliance with these standards. Henderson asked Sibley if the second floor of the garage was **in use now**. Sibley stated, "**No.**" Henderson said there is **no bedroom now**, so the septic is adequate. White asked about water usage by the doctors. Sibley said they have gone from primary care doctors to manipulative specialists. Henderson asked if they were using toxic medications and what they did with them. Sibley said all of the toxic medical waste is collected and taken to the hospital.

Weeman stated, "I move that the Board, having reviewed the Site Plan Review Ordinance Approval Standards of Section 15, and finding no objections, approve the application of James Kneebone, D.O. and Gretchen Sibley, D.O., Tax Map 50-172, Indian Rest Road." Rogers seconded. **Carried, 5-0.** Nannen asked about adequate parking. Sibley said there are nine parking spaces, and the garage is 16' X 24' (384 sq. ft.).

Town of Harpswell, Site Plan Review (Town Office Expansion), Tax Map 42-70, Mountain Road- Codes Enforcement Officer Douglas Webster presented the information for tonight's discussion by the Board. He presented the Board with another site plan done by Woodard & Curran. The Department of

Environmental Protection (DEP) has done a field and licensing inspection. Al Frick's office has looked at the soils and existing capacity of the septic system. There will be a need for an expansion of the field.

Webster asked the Board for their input on the parking, and wanted to know how many spaces the Board will allow. Referencing the Woodard & Curran site plan, he said area A (in front of the Town Office) currently has eight parking spaces. He said much could be accomplished with signage and delineated parking spaces. He said the Town would like to add some spaces in front of the Town Office, to the right, and there will be a need for a walkway to the right. Webster stated, "I don't want to cut into the buffers." Dater asked, "Are you considering wheel stops?" Webster responded, "Yes, and signage."

Webster said the DEP licensing personnel had felt that since parking area C (the dirt portion of the existing parking lot in back of the Town Office) has been filled in already, it would be better to use this area rather than to fill in another area for parking. Webster said the Town would watch the water quality. He said area C could be paved and it would direct the storm water back to a retention area before going into Strawberry Creek. Webster said there are currently seventeen defined parking spaces in back of the Town Office. He said there could be seventeen spaces near the Recycling Center (area E), and a walkway could easily be put in between area E and the Town Office. Henderson said, "And, well lighted!"

Webster said the new meeting room would seat fifty to sixty people. He said business and professional facilities must have one parking space per 250 square feet, and given the overflow area, this should be sufficient. Dater asked if the Site Plan Review Ordinance 15.7.1 allowed shared use of parking. Webster said no specific code applied. Toothaker asked, "Will the spaces in area E be available after Recycling Center hours?" Webster said, "There could be gates in certain places. I'm not sure how that would work. We intend to use what's already there." Henderson asked Webster, "You spoke about intended parking expansion. Can you address that?" Webster responded, "I'd really like not to have that area D buffer be affected. The wetlands issue has an effect on where parking will go."

Weeman asked Webster, "Area C (behind the Town Office's existing back parking lot) is preferred over area D by the DEP?" Webster said, "Yes. We will be directing the flow of the storm water, monitoring the water quality of the water going into Strawberry Creek. It would catch sediment in the basin and not allow it to flow into Strawberry Creek." Dater said, "If you take care of the first one half of the runoff, you're okay." Rogers asked, "How can we fool around with the wetlands?" Webster told Rogers the wetlands in the Resource Protection Zone are treated differently than the wetlands in the Shoreland Zone. Henderson said, "The ordinance allows the Town Office to be in the Resource Protection Zone, but municipal wetlands are not treated differently by the DEP." Webster stated, "The DEP licensing staff is maybe changing policy. The reason the wetlands can be used is because of the filtering of the fill near the wetland, it is a basin." According to the written message from Patricia Leary of the Codes Enforcement Office, Bill Bullard of the DEP called Webster today at 4pm and said that as far as he can see they have "no particular issues" with the building expansion. Webster said, "One arm of the DEP looks at the Resource Protection Zone and one arm at the wetlands."

Nannen stated, "The Planning Board has discretion as to how best to count the number of spaces needed. We'd need more than forty spaces, if there is a meeting during the day." Webster said it was unlikely that there would be a function during the day when the Town Office is open. Weeman said, "We've had voting and the issuing of clam licenses. It's a rotating number of people." Nannen stated, "Maybe fifty-six to sixty spaces will be needed, worst case scenario. You're showing fifty now. The Board's issue will be, do we need another additional ten spaces?" Papacosma stated, "If we have thirty people at any given meeting, that might be the maximum...If you could do fifty parking spaces and use the upper deck, and not encroach on the buffer or wetlands, the job is done." Webster said, "We're trying to be sure the Board and the selectmen are comfortable with this (parking)." Nannen said, "We need to, in good faith, come close to what the standards are. We need to abide by the ordinances just like we ask everyone else to do." Henderson said,

“We need to work on this (parking).” Dater asked, “Should the Board encourage the Town to look at the use of satellite areas for parking?” Weeman stated, “We need to look at security, and access needs to be looked at, and what will be available when the Recycling Center is closed.” Nannen said, “And, lighting.” Henderson asked, “What does the DEP prefer?” Webster said, “They’d prefer using C, not D, to retain the buffer.”

The Board would like the following: (1) Weeman said, “I’d like to see the 250’ setback on the site plan. (2) Papacosma said, “We should see the number of parking spaces, and their locations, and the traffic and pedestrian flow.” (3) Henderson said, “I’d be interested in knowing the status of the surrounding wetlands.” Selectman Swallow said he has maps and information directly from IF&W, which he will provide to the Board. Weeman referenced Lisa Blanchard’s letter to the Board, dated June 17, 2001, which says the Blanchards have concerns regarding the wetlands. Henderson said the IF&W information would certainly answer their questions. Henderson said the presentation of item #3 on the agenda was closed (for tonight).

Henderson asked if there was other business for the Board to consider. Leo Blair of Envision Realty, L.L.C. asked Henderson to repeat what he had said concerning the June 21st Planning Board meeting. Henderson read part of the motion Attorney Bannon suggested the Board make to take the Board into a possible executive session during the meeting. Henderson said the Board would not make any decisions while in executive session. He said this meeting is intended to be a conference between the Town and the Town’s attorney, and that the Board would not be entertaining other arguments or points of view.

The Board discussed their by-laws, which they are in the process of working on. Papacosma motioned to adjourn. Henderson seconded. **Carried, 5-0.** Henderson adjourned the meeting at 8:20pm.

Respectfully submitted,

Debora A. Levensailor
Harpowell Planning Assistant